

MINUTES
TEXAS BOARD OF PROFESSIONAL ENGINEERS
REGULAR QUARTERLY BOARD MEETING
1917 IH35 SOUTH
AUSTIN, TX 78741
AUGUST 20, 2009 – 10:30 A.M.

Call to Order. G. Kemble "Kem" Bennett, Ph.D., P.E., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers (TBPE) to order at 10:30 a.m. on August 20, 2009, at the Texas Board of Professional Engineers, 1917 IH35 South, Austin, TX. (NOTE: All votes are unanimous, unless noted otherwise.)

1. Roll Call and Welcome Visitors.

G. Kemble Bennett, Ph.D., P.E.	Chair
James Greer, P.E.	Member
Govind Nadkarni, P.E.	Member
Gary Raba, D. Eng., P.E.	Member
Edward L. Summers, Ph.D.	Public Member
Daniel Wong, Ph.D., P.E.	Member

A quorum was present. Mr. Jeb Boyt, Esq., Assistant Attorney General and Ms. Veena Mohan, Esq., Assistant Attorney General were present to provide legal counsel. Also present was Emeritus Board Member, Mr. James Nichols, P.E.

The following staff members were present:

Dale Beebe Farrow, P.E.	Executive Director
Lance Kinney, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
David L. Howell, P.E.	Director of Licensing
Jeff Mutscher	Director of Finance
Charles Pennington, P.E.	Engineer Specialist
Tyler Ferguson	Investigator
Dorothy Nieto	Executive Assistant

Visitors: Iain Berry, Texas Attorney General Office; Dana Burket, Venustar Software Engineering Inc.; Herb Cross, P.E., CWA Construction; Bill Fenley, P.E., Texas Society of Professional Engineers (TSPE); Alan Hagler, Strategy K.; Sandee Howell, P.E., TSPE; David Lancaster, Texas Society of Architects (TSA); Eugene Reinhart, P.E., Reinhart & Associates Inc.; Deborah Mason, P.E., Winc Engineers; David Menster, Reinhart & Associates; Jennifer McGowan, TSPE; Peyton McKnight, Esq., Texas Council of Engineering Companies (TCEC); Rita Rodriguez, Winc Engineers; Trish Smith, Executive Director, TSPE; Deena Wallace, Texas A&M; Jim Winton, P.E., TSPE.

2. Public Comment.

Mr. Gene Reinhart addressed three items with the Board. He would like the Board to consider Non-Destructive Evaluation (NDE) and Non Destructive-Testing as an engineering discipline monitored by a professional engineer. The teaching of NDE is becoming a recognized discipline and being taught at community colleges and universities. He would like the Board to consider NDE engineering as a registered discipline with a professional examination combined with a certification issued by a national group such as the American Society for Non-Destructive Testing, (ASNT). He is requesting an opinion from the Board regarding the City of Austin removing the professional engineer requirement from future bids for the inspection of the city's cranes. He believes that this is a safety and health hazard to the public. He added that he submitted additional details to Mr. C. W. Clark, P.E., Director of Compliance & Enforcement regarding this issue.

Dana Burket appealed to the Board for a quick exception for those in the software engineering industry to be allowed to practice in Texas until a software engineering exam has been developed and in place. Dr. Bennett informed Ms. Burket that the Board will take her concern under advisement and will discuss at the next Board meeting. He added that Texas is supportive of this discipline; Texas led the charge in getting a software engineering exam to be developed nationally. The Board does have a law regarding the use of the word "engineering" in firm names. Ms. Beebe Farrow suggested Ms. Burket research the TBPE roster on the agency's

website to perhaps locate a software engineer that could work for her firm. Otherwise, Ms. Burket was advised to remove "engineering" from her company's name and informed not represent herself as a software engineer.

3. **Consent Agenda (The following items may be acted upon under Consent Agenda and are marked with an asterisk* on the Regular Quarterly Board Meeting Agenda)**

- June 17, 2009, Enforcement Committee Minutes
- June 17, 2009, Policy Advisory Opinion Committee Minutes
- June 17, 2009, Licensing Committee Minutes
- June 18, 2009, General Issues Committee Minutes
- June 18, 2009, Regular Quarter Board Meeting Minutes
- Administrative Reports and Status of Court Cases/Dismissed Cases
- Licensing Applications.

It was MOVED/SECONDED (Greer/Summers) to approve all of the Consent Agenda items except for the June 18, 2009, Regular Quarterly Board meeting minutes. A vote was taken, and the MOTION PASSED.

Discuss and Possibly Approve Board Minutes:

4. ***(Consent Agenda) Discuss and possibly approve minutes of the June 18, 2009, Regular Quarterly Board Meeting.**

It was MOVED/SECONDED (Summer/Wong) to approve the June 18, 2009, Regular Quarterly Board meeting minutes with the following edit: Under the Licensing Committee's motion to approve the proposed rule adoption, add §133.23 to the motion. A vote was taken, and the MOTION PASSED.

Discuss and Possibly Accept Committee Minutes:

- 5. ***(Consent Agenda) June 17, 2009 Enforcement Committee Minutes**
- 6. ***(Consent Agenda) June 17, 2009, Policy Advisory Opinion Committee Minutes**
- 7. ***(Consent Agenda) June 17, 2009, Licensing Committee Minutes**
- 8. ***(Consent Agenda) June 18, 2009, General Issues Committee Minutes**

Approved as part of the Consent Agenda, see agenda item #3.

Discuss and Possibly Act on Reports:

9. **Budget Reports**

- FY2010 Budget-Approval

Mr. Mutscher reviewed the highlights of the FY2010 Budget for the Board's approval.

It was MOVED/SECONDED (Summers/Nadkarni) to approve the FY2010 budget as presented. A vote was taken, and the MOTION PASSED.

10. **Board Members' Activity Reports**

The Board members' activity reports are included for information only.

11. **Emeritus Members' Activity Reports.**

The Emeritus Board Members' activity reports are included for information only. Mr. Nichols mentioned that he did not attend the NCEES meeting in Louisville and asked for his report to be adjusted to reflect this.

Dr. Bennett took agenda item #13 out of order, see below.

Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:

12. **Licensing Committee**

Dr. Bennett shared that Ms. McClendon is unable to attend the Board meeting. Mr. Greer gave the Licensing Committee report on her behalf.

Mr. Kinney reported that the following rules were posted on the Texas Register, and no comments were received. The Licensing Committee recommended the adoption of the rules presented.

- **Proposed Rule Adoption**

- §133.63 - Texas Engineering Professional Conduct and Ethics Exam--increased the passing score for the Ethics exam from 70 to 90
- §133.81 - Receipt and Processing of Applications by the Board--any modified application may be accepted by the Board as a new application and may be processed in accordance with the rules in place at the time of acceptance.

It was MOVED/SECONDED (Greer/Wong) to approve §§133.63 and 133.81 as presented. A vote was taken, and the MOTION PASSED.

- **Discussion of MBA findings regarding sealing reference statements**

Staff provided the Committee members with a survey from Members' Board Administrators (MBA) participants regarding their acceptance of a sealed reference statement. Mr. Kinney commented that most states that responded do not have rules or statutory requirements regarding the sealing of reference statements. Several of the Boards asked and provided a space for the seal on the reference statement but they still accepted them if they were not sealed. It was also found that some states check references, while some don't; each Board handles reference statements differently. Several states stated that no one complains if the reference statement is required to be sealed. The committee decided not to act on this item so no Board action is required.

Mr. Greer shared with the Board that the committee agreed to require additional reference statements for applicants with a criminal conviction in their file especially if the reference statements provided are of very short duration.

Christopher Renedo, The Licensing Committee delayed a decision on his request to take the PE exam. The Licensing Committee requested that the applicant submit three additional favorable references and appear before the committee at the next scheduled Licensing Committee meeting. No action is required by the Board.

The Licensing Committee requests the Board approve the following recommendations regarding personal appearances:

Alberto Ayala, The Licensing Committee recommends the Board approve him to take the PE exam when he provides three additional favorable reference statements and documentation that his sentencing from California has been completed; the Licensing Director will determine if the references are favorable.

Brian Butscher, be approved to take the PE exam; Jinsop Joe Perez, be approved to take the PE exam; Steven Moore, be denied to take the PE exam until his probation has been completed; Shawn Sturhan be approved to take the PE exam.

It was MOVED/SECONDED (Greer/Summers) the Board approve the Licensing Committee's recommendations as reported. A vote was taken, and the MOTION PASSED.

Richard Bryan sat for the Fundamentals of Engineering (FE) exam in April 2009. The TBPE received information from the NCEES which included a proctor report citing exam policy violations for not placing his pencil down when instructed to do so at the end of the exam. Based on this report, the exam was invalidated. Mr. Bryan came before the Licensing Committee to appeal that decision. After discussing further with the examinee and reviewing the reports submitted by the proctor, the Committee agreed that there was insufficient evidence to uphold the staff decision to invalidate the exam. The Committee unanimously agreed to request the examinee's exam be graded.

It was MOVED/SECONDED (Greer/Raba) to notify NCEES of the Boards' decision to validate the exam and allow it to be graded. A vote was taken, and the MOTION PASSED.

The Board and staff agreed that the validation request will be done in writing via email by the Licensing Director. The Board will also provide recommendations to NCEES on the completion and signing of the proctor reports.

- **Discussion of Licensure Process for Structural Engineers**

Ms. Beebe Farrow informed the Board of the new 16 hour Structural Exam which will replace the Structural I and II exams in 2011. The Committee discussed comments received from other MBAs on their suggestions for implementing this new requirement. Staff is requesting guidance from the Committee on how Texas should implement i.e. create a new structural designation or continue to allow people that take and pass the civil exam but have structural experience to designate structural as their discipline. There is no action required by the Board at this time. This agenda item will be discussed at the next scheduled Licensing Committee.

- **Application and Evaluation Report**

Mr. Greer reported that the Committee discussed the FE reports/graphs provided regarding the trends from the various large university and geographical areas. One region's underperformance appears to remain consistent. The Committee also discussed the pass rate report on the applicants that have been approved by the Committee to take the exam.

- **Update on Agreement with Engineers Canada**

A revised agreement with Engineers Canada was sent to their International Committee and has been accepted; it has now been sent to their Providence Group for input/acceptance.

- **Report on Software Engineering**

Dr. Bennett said this is a significant accomplishment. Mr. Kinney reported that the Software Engineering Exam was approved at the NCEES Annual meeting in Louisville. Alabama was the tenth state to support the development of a Software Engineering exam. He provided the Board with a timeline and name of the people on the Software Engineering Licensure Committee (SELC). Mr. Kinney added that Mr. Dan Wittliff did a great job of facilitating the SELC and keeping communication open regarding this subject. Now it goes to the EPE Committee of NCEES to start working on the body of knowledge and test development. Mr. Kinney thanked the SELC members, NCEES, and the organizations for working together. The next step is for the Software Engineering Taskforce is to provide recommendations to the Texas Board and other State Boards on how to implement the new Software Engineering Licensure requirement.

Dr. Bennett mentioned that Mr. Kinney did an outstanding job in presenting the Software Engineering Exam issue at the NCEES Annual Meeting. He thanked Mr. Kinney for an outstanding job in representing the SELC and the Texas Board during the presentation at the annual meeting in Louisville.

13. Policy Advisory Opinion Committee Report

- **EAOR # 7 – Construction Materials Testing**—Clarification was added to better delineate Construction Materials Engineering and Construction Materials testing. It was posted on the Texas Register and the TBPE website. There were no comments received. The Committee recommends the Board approve this policy advisory.
- **EAOR #23 – Engineering Aspects of Facilities Assessment** —Clarification was added to delineate what is and what is not engineering. It was posted on the Texas Register and the TBPE website. There were no comments received. The Committee recommends the Board approve this policy advisory.
- **EAOR #24 – Procurement of Engineering Services of Public Projects** – This advisory deals with the procurement process for engineering on public projects . The staff worked very closely with the requestor to ensure that the clarification they were seeking was clearly identified. It was posted on the Texas Register and TBPE website. There were no comments received. The Committee recommends the Board approve this policy.
- **EAOR #25- Licensure requirements for corrosion control services for water transmission and distribution pipelines.** Staff did research regarding pipeline corrosion control and what is and is not

engineering. After discussing further with the Committee and staff, the requestor rephrased his request to the Board. He is looking for an exemption for a National Association of Corrosion Engineers (NACE) certified technician to seal drawings with respect to corrosion protection systems. The Committee did not act on this opinion but directed staff to review the revised request and provide input at the next meeting. No action required by the Board on this advisory.

- **EAOR #26 – Request for Board’s opinion on what defines a structure as being a hazard or unsafe for the purpose of local code enforcement.** The Board was asked to review building code evaluations and set guidelines on when a building is safe or unsafe. The Committee concurred with staff that the Board does not have jurisdiction over building codes. The Committee agreed to accept the response letter informing the requestor of local jurisdiction over building codes. No action is required by the Board.
- **EAOR #27 – Request for an advisory opinion regarding Storm Water Pollution Prevention Plans (SWP3) and Erosion and Sedimentation Control Plans.** The requestor is requiring an additional certification in sediment and erosion control for individuals to review, provide comments, and approve drawings with respect to SWP3. The Committee accepted this policy advisory, will schedule stakeholder meetings, and present this to the Board at a later time for action.

It was MOVED/SECONDED (Raba/Wong) to take the Committees’ recommendation and approve policy advisories #7, #23, and #24. The staff will respond to the requestor regarding EAOR#26. EAOR #25 and #27 were referred back to staff for further action. A vote was taken, and the MOTION PASSED.

Discuss and Proposed Rule Adoptions:

14. Proposed Rule Adoptions

- §137.9 - Renewal for Expired License
- §137.17 - Continuing Education Program
- §137.31 - Seal Specifications
- §139.51 - License Suspension Based on Delinquent Child Support
- §139.63 - Extensions of Time

Mr. Kinney mentioned that the above rules were posted on the Texas Register and no comments were received.

It was MOVED/SECONDED (Raba/Summers) to adopt §§137.9, 137.17, 137.31, 139.51, and 139.63. A vote was taken, and the MOTION PASSED.

Discuss and Possibly Act on Reports or Items reported by Executive Director:

15. Executive Director’s Report:

- **Activity Report**—Ms. Beebe Farrow mentioned that the activity report was included for information purposes and asked if anyone had any questions.
- **Emeritus Member Annual Report and Continuation of Service**—The Board was provided a form outlining the Emeritus Board members’ annual activities. Ms. Beebe Farrow asked the Board’s recommendation on the Emeritus Board Members’ contracts.

It was MOVED/SECONDED (Nadkarni/Wong) to continue all three Emeritus Board Members’ contracts for FY10. A vote was taken, and the MOTION PASSED.

Board members expressed their appreciation to the Emeritus Members for representing the Board at NCEES meetings, their guidance, and for sharing the Board’s history.

- **Rule Strategic Plan**—Ms. Beebe Farrow reported that staff was asked to develop a rule strategic plan. She mentioned that rule proposals will be introduced during the February meeting and proposed for adoption at the June meeting with the exception of emergency rule making requirements which will be acted on immediately. After further discussion, the Board members agreed that if there is a major impact the rule will be proposed immediately and the rules with minor changes should be grouped at staff’s discretion.
- **eNewsletter**—the first eNewsletter containing information about the Board, rule changes, and enforcement cases was sent out. Board members agreed this was a good concept and the links provided in the email are a good idea.

- **Engineering Education Task Force Report (BS+30)**—Ms. Beebe Farrow mentioned that there is no change from the last report. She was appointed to serve on the Taskforce for another year. The Taskforce will meet in December and February to discuss the ideas from the NCEES meeting. She discussed the resolutions that were proposed at the NCEES Annual Meeting. The Board abstained from voting on the Alabama Southern Zone Resolution which passed overwhelmingly. The Taskforce will have new charges and alternatives to discuss. Mr. Nadkarni added that the new NCEES President's directive is not to pressure the new student or tell educators to add hours to the degree. Dr. Wong commented that the NCEES is trying to enhance the profession but the sentiment is that the 30 hours do not enhance the profession. Dr. Bennett applauds ASCE for their commitment and involvement to this issue, and adds that he believes more societies need to be involved as well. He added that all sides were presented by very articulate presenters and they all made good points. Ms. Beebe Farrow concluded by saying that once the charges have emerged she will share with the Board members and ask for guidance as to the Board's position. Dr. Bennett said the Board will need to determine how to vote and who the Board will appoint to vote. He encouraged the Board members to attend an NCEES meeting if they had the opportunity.
- **Report on NCEES Annual Meeting-Louisville, Kentucky**—Dr. Bennett congratulated Mr. Nadkarni on his two year appointment as the Southern Zone Vice President. Other NCEES's newly elected board members are Joe Tims, President Elect (West Virginia), and Gene Dinkins, Treasurer (S. Carolina).
- **Update on TSPE vs. TBAE lawsuit**—Ms. Beebe Farrow reported that there hasn't been very much activity to report on at this time. However, on August 21st, the Joint Advisory Committee (JAC) will meet. She mentioned that at the State Office of Administrative Hearing Office (SOAH) the judge ruled that the three professional engineers that the TBAE alleged were practicing building design had the training, experience, and education to practice building design under the Texas Engineering Practice Act. TBAE is appealing the judge's decision and the appeal is scheduled to be heard September 2, 2009. Ms. Beebe Farrow added that there are two issues: one is the SOAH cases against the engineers; the second is a more global lawsuit filed by TSPE asking if engineers in general, with the proper experience and education in building design, can do building design under the Texas Engineering Practice Act without an Architect. The judge's decision involved the TBAE rule that states specifically what architectural services are and what is the overlap. The judge's ruling stated that the TBAE rules were adopted according to the proper rule making process. However, the judge did state that the TBAE's brochure outlining when an architect was required needed to be revised because it did not go through the rulemaking process. The judge will now look at the three SOAH cases together. Mr. Boyt added that the judge said that building design was a fact intensive question that has to be looked at on a case by case basis, hence the three SOAH appeals. Dr. Bennett added that it is in the Engineering Practice Act that engineers can do building design. Ms. Beebe Farrow outlined the structure of the JAC. She added that the JAC is required to meet twice a year. The judge did remind both Boards that the JAC was not being utilized as required.
- **Outreach Activities**—Ms. Beebe Farrow thanked the Emeritus and Board members for participating in the outreach presentations. She reviewed the numbers on the outreach activity report which are the highest they have ever been. She extended her appreciation and thanked TBPE staff for participating in the outreach presentations.

Discuss and Possibly Act on Enforcement/Disciplinary Matters:

16. *(Consent Agenda) Administrative Reports and Status of Court Cases/Dismissed Cases.

This agenda item was included on the Consent Agenda, see agenda item #3.

17. Agreed Board Orders.

None.

18. Consent Orders.

Disciplinary Matters – Non-Practice Violations

1. Kelly Ann Barney, P.E.
2. William Gray Hodge, P.E.
3. Ramon Ramirez, P.E.

Disciplinary Matters – Practice Violations

4. Todd Andrew Cormier, P.E.
5. Deborah D. Mason, P.E.

6. Lawrence P. Perez, P.E.
Sanctions Against Non-License Holders
7. George Thomas Crowder
8. Rick L. Manchester

It was MOVED/SECONDED (Nadkarni/Greer) to accept Consent Orders for Kelly Ann Barney, P.E., and William Gray Hodge, P.E.

Mr. Nadkarni asked why Ms. Barney was not being asked to take an ethics course. Mr. Clark responded that ethics courses are generally associated with a probated suspension and hold the engineer in abeyance. Mr. Nadkarni commented that she did not report her conviction at the time of her license renewal which would be considered unethical. Dr. Raba would like legal definitions regarding deceit and willfulness. He added that he was not ready to make a decision on #4, 5, and 6 without additional information. Ms. Mohan said that a guideline was provided to staff for consideration and they are still working on it. Mr. Clark responded that staff is following the guidelines provided by legal counsel and applying them according to what the TBPE rules and sanctions are. She added that the dictionary definition for the terms is being applied which would be the procedure for statutory construction. Mr. Clark said the charges were suggested charges.

After further discussion, the MOTION/SECONDED (Nadkarni/Greer) was withdrawn with their approval.

Dr. Raba believes he did not receive the information regarding sanctions. He would like the Board to review the information transferred between staff and legal counsel and the precedence set on \$100 fines.

It was MOVED/SECONDED (Raba/Summers) to table agenda item #18, Consent Orders 1-8 until Board members sit down with the executive director, Board staff, and general counsel to discuss the sanctions.

Dr. Summers asked for legal counsel's perspective on the \$100 fines. Mr. Boyt responded that legal counsel does not recommend the amount regarding fines; they are set according to the sanction tables and the weighting factors the staff employs. Dr. Summers asked if the Board/Committee has the discretion to increase the sanction above the \$100. Dr. Wong commented that staff presented the guidelines for sanctions at the Enforcement Committee meeting on June 18, and after further discussion in the Enforcement Committee, the sanction guidelines were presented at the Regular Quarterly Board meeting in June. The outcome of this discussion was that all the Board members agreed with the sanction table in place. He added that staff has been using the guidelines for many years and the Board largely relies on staff because they have conducted a full investigation. He encouraged the Board to move forward with the Consent Orders presented, and ask staff to bring back the sanction table as well as the guidelines for implementing sanctions for the Board members to review. The Board may revise the guidelines and advise staff on how to enforce the sanctions. Historically, the Board has always opined that the intent is to get voluntary compliance in an investigation, and proceed as needed to take action against violations of the Texas Engineering Act. Mr. Clark added that sanctions may increase at informal conferences and challenges through SOAH cases which will incur additional cost to the Board. Dr. Summers suggested that the tables be revisited and possibly redone. He added that the Consent Orders have been signed and suggested the Board approve them as they have been submitted. The Board members discussed willful deception committed by some of the engineers is an ethics violation.

Mr. Greer commented that he believes that the process has yielded the proper penalties except for the first three. He added that the audit also shows that staff appropriately applies the sanctions consistently.

Dr. Raba commented that staff was directed to modify the Consent Order on Ms. Deborah D. Mason, P.E.; he asked Mr. Clark to identify the changes made. Mr. Clark responded that staff under the direction of Legal Counsel reviewed each of the line items in each court case and the outcome of the penalty was applied based on each line item in the court case that violated the Texas Engineering Act. He added that the licensure penalty changed from a Formal Reprimand to a 1 year probated suspension. Also, the administrative penalty changed from \$1300.00 to \$3200.00 and added the engineering ethics course. Dr. Raba had concerns and suggested that the Enforcement Committee revisit the sanction table. Dr. Wong added that the Enforcement Committee did review the sanction table for penalties and consistency. The sanction table was also presented at the Regular Quarterly Board meeting for discussion and possible action; all the Board members agreed that there were no suggested changes at the time. He suggested that the Board may direct staff to take a different approach when applying the sanctions.

Dr. Raba and Dr. Summers agreed to withdraw their initial motion.

Dr. Bennett recessed for lunch at 12:23 p.m.
The Board reconvened at 12:55 p.m.

The Board reviewed the Consent Orders individually, in order.

It was MOVED/SECONDED (Nadkarni/Greer) to reject the Consent Order for Kelly Ann Barney, P.E., direct staff to re-evaluate the ethics violation, and resubmit to the Board at the next scheduled Board meeting. A vote was taken, and the MOTION PASSED 5 to 1. Dr. Summers opposed.

It was MOVED/SECONDED (Wong/Raba) to approve the Consent Order for William Gray Hodge, P.E. A vote was taken, and the MOTION PASSED.

It was MOVED/SECONDED (Nadkarni/Raba) to reject the Consent Order for Ramon Ramirez, P.E., direct staff to re-evaluate the ethics violation, and resubmit to the Board at the next scheduled Board meeting. A vote was taken, and the MOTION PASSED 5 to 1. Dr. Summers opposed.

It was MOVED/SECONDED (Summers/Wong) to approve the Consent Order for Todd Andrew Cormier, P.E. A vote was taken, and the MOTION PASSED.

It was MOVED/SECONDED (Summers/Wong) to approve the Consent Order for Deborah D. Mason, P.E. A vote was taken, and the MOTION PASSED 5 to 1. Dr. Raba opposed.

It was MOVED/SECONDED (Greer/Wong) to approve the Consent Order for Lawrence P. Perez, P.E. A vote was taken, and the MOTION PASSED.

It was MOVED/SECONDED (Summers/Nadkarni) to approve Consent Orders for George Thomas Crowder and Rick L. Manchester. A vote was taken, and the MOTION PASSED.

Firm Registrations/Sole Proprietorship Sanctions

None

Cease and Desist Order, Agreements, Injunctions/Default Judgments, Criminal convictions, and Other Items Agreements

9. The Honorable Ken Bowers, Princeton City Mayor

Agenda item 18.9. does not require Board action.

Agenda item 12 was taken out of order, see above.

19. Status of State Office of Administrative Hearings Cases.

Mr. Boyt reported that there are some cases that the Board is proceeding with. Mr. Boyt gave a status of the Castillo case.

Discuss and Possibly Act on Licensing Applications Requiring Board Ruling:

20. *(Consent Agenda) Licensing Applications

Vote or Reconfirm Votes Pursuant to Board Rule §133.87:

- Approved for Licensure
- Not Approved for Licensure
- Waivers – Both
- Waivers – PE
- Waivers – FE
- Approved for Exams
- Exams Not Approved
- Firms Approved
- Firms Not Approved
- Firms Auto Not Approved

This agenda item was approved with the Consent Agenda, see agenda item #3.

Discuss and Possibly Act on Other Matters

21. Issues from Board members for future meetings.

22. Future TBPE meeting dates.

Ms. Beebe Farrow said a matrix with future Board meetings will be emailed to the Board members. The next scheduled Board meeting is November 19, 2009 with the Committee meetings scheduled for November 18, 2009.

Dr. Bennett asked if any Board members' term were going to expire this fiscal year.

Ms. Beebe Farrow reported that Mr. Cardenas', Mr. Greer's, and Ms. McClendon's term will expire in 2009.

Adjourn.

It was MOVED/SECONDED (Greer/Wong) to adjourn the meeting at 1:24 p.m. A vote was taken, and the MOTION PASSED.

Date approved as submitted:

November 19, 2009